

PHILLIP A. TALBERT
United States Attorney
ANTONIO J. PATAKA
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE AVALOS-CASTRO, ET AL.,

Defendants.

CASE NO. 1:20-CR-00093-NONE-SKO

STIPULATION AND ORDER TO VACATE
STATUS CONFERENCE AND SET TRIAL DATE

Plaintiff, the United States, by and through its counsel of record, and the defendants, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this case was set for status conference on November 16, 2022, and time under the Speedy Trial Act was excluded from November 16, 2022, through November 6, 2023, inclusive, pursuant to 18 U.S.C. § 3161(h)(7)(A) and B(iv).
2. The parties now stipulate and request that the status conference be vacated and a trial date be scheduled November 6, 2023, at 8:30 a.m. This is the earliest available date to ensure continuity of defense counsel and allow sufficient time for trial preparation and further defense investigation. The defendants move to exclude time from November 16, 2022, through November 6, 2023, inclusive, under 18 U.S.C. § 3161(h)(7)(A) and B(iv).
3. The parties stipulate and request that the Court make the following findings:
 - a. The government has represented that the discovery associated with this case includes investigative reports, numerous photographs and videos, hundreds of hours of recorded

1 telephone conversations pursuant to wiretap order, cellular phone extractions, and large
2 amounts of cellular telephone precise location data. The discovery is voluminous and
3 includes over 30,000 pages. All of this discovery has been either produced directly to
4 counsel and/or made available for inspection and copying. The government will timely
5 produce supplemental discovery, if any, that comes into its possession as it prepares for
6 trial.

- 7 b. Defense counsel desires additional time to complete their review of the discovery,
8 perform additional investigation, conduct legal research, conduct plea negotiations,
9 prepare pretrial motions, and otherwise prepare for trial.
- 10 c. Defense counsel believes that failure to grant the above-requested continuance will deny
11 them necessary and reasonable time for effective preparation.
- 12 d. Based on the above findings, the ends of justice served by continuing the trial as
13 requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.
- 15 e. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
16 within which trial must commence, the period of November 16, 2022, through November
17 6, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and B(iv)
18 because it results from a continuance granted by the Court at defendants' request on the
19 basis of the Court's finding that the ends of justice served by taking such action outweigh
20 the best interest of the public and the defendants in a speedy trial.

- 21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy
22 Trial Act dictate that additional periods are excludable from the period within which trial
23 must commence.

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1 IT IS SO STIPULATED.

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4 Dated: November 15, 2022

PHILLIP A. TALBERT
United States Attorney

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6 /s/ Antonio J. Pataca
ANTONIO J. PATACA
Assistant United States Attorney

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9 Dated: November 15, 2022

/s/ Melissa Baloian
Melissa Baloian
Counsel for Defendant
Jose Avalos-Castro

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11
12 Dated: November 15, 2022

/s/ Jane Ann Boulger
Jane Ann Boulger
Counsel for Defendant
Max Ruiz

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15 Dated: November 15, 2022

/s/ Eric Kersten
Eric Kersten
Counsel for Defendant
Russell Williams

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19 Dated: November 15, 2022

/s/ Robert Conrad Lamanuzzi
Robert Conrad Lamanuzzi
Counsel for Defendant
Joe Corrales-Enriquez

ORDER

IT IS SO ORDERED that the status conference set for November 16, 2022, is vacated. A jury trial is set for **November 6, 2023, at 8:30 a.m. before District Judge Jennifer L. Thurston**. Time is excluded through trial pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **November 15, 2022**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE